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| 09/966,223 | 09/28/2001 | James B. Kargman | P06,0189-02 | 5896 |

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| EXAMINER |
|---|
| WINTER, JOHN M |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _11 November 2007_.

2a)☐ This action is **FINAL**.          2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-39_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-39_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Acknowledgements*

1.      The Applicants appeal brief amendment filed  on November 11, 2007 is hereby

acknowledged, Claims 1-39 remain pending .The Examiner states that the finality prior Office

Action dated May 18, 2007  is hereby withdrawn.

### *Claim Rejections - 35 USC § 103*

2.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains.  Patentability shall not be negatived by the
> manner in which the invention was made.

3.      Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Movalli et al

(U.S. PG Pub No. 2005/0004876 A1) ("Movalli") in view of Walker et al (U.S. PG Pub No.

2003/0149632 A1) ("Walker") and further in view of  Teper et al. (U.S. Patent

5,815,665)("Teper").

4.      As per claim 1, 18, Movalli teaches a method of electronically executing a commercial

transaction between a customer and a vendor, the method comprising transmitting electronically

a transaction code from the customer to an electronic order processing system associated with the

vendor; authenticating the transaction code; identifying a commercial transaction associated with

the transaction code; and executing the identified commercial transaction (see figs 4, 5,

paragraphs 0046-0051).

5.      Movalli fails to teach transaction between a remotely located customer and a vendor.

However, Walker teaches transaction between a remotely located customer and a vendor (seefig

1, pps 0044, 0045). Therefore it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Movalli's disclosure to include Walker's transaction

between a remotely located customer and a vendor because this would have enhance the

flexibility of the transaction system; furthermore the combination of these elements does not

alter their respective functions, and the combination would have yielded predictable results to

one of ordinary skill in the art at the time of the invention..

Movalli fails to teach the claimed feature of receiving the transaction code by the order

processing system associated with the vendor; identifying the user based upon the contents of the

transaction code. Teper teaches  receiving the transaction code by the order processing system

associated with the vendor; identifying the user based upon the contents of the transaction code.

(around column 8, line 55, data stored by the Online broker site includes at least "unique ID and

billing history, it is obvious that items in a database would share a common key, customer ID in

the present case). Therefore it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Movalli et al's disclosure to include Teper teaching of

authentication process  because this would allow an anonymous user to be securely authenticated

without compromising the users identity; furthermore the combination of these elements does not

alter their respective functions, and the combination would have yielded predictable results to

one of ordinary skill in the art at the time of the invention.

6.      As per claim 2 and 20, Movalli teaches a method where the transaction code is comprised

of a telephone dialing sequence, and applying the transaction code dial sequence to a line

associated with a public switched telephone network (see figs 1).

7.      As per claim 3 and  21, Movalli teaches a method in which the transaction code is

comprised of a Universal Resource Locator, and the transaction code is transmitted via the

Internet (see fig 1, 2, 3).

8.      As per claim 4, 19 Movalli teaches a method of transmitting a transaction code that has

been previously stored within digital memory associated with a wireless telephone via a wireless

communications network (see fig 1).

9.      As per claim 5, Movalli teaches a method Of identifying the contents of a user

identification data field within the transaction code; locating the user identification data field

contents within a database accessible by the order processing system (see paragraphs 0046-

0051).

10.     As per claim 6, Movalli teaches a method ofidentifying the contents of a security code

field within the transaction code; determining that the received transaction code is authentic

when the contents of the security code field correspond to a previously-configured security code

associated with the contents of the user identification data field, which previously-configured

security code is stored within a database accessible by the order processing system (see

paragraphs 0046-0051).

11.     As per claim 7, Movalli teaches a method of identifying a decryption key associated

with the contents of the user identification data field; decrypting at least a portion of the

transaction code using the identified decryption key; determining whether the decrypted portion

of the transaction code is valid (see paragraphs 0046-0051).

12.     As per claim 8, Movalli teaches a method of identifying a decryption key based upon the

identity of the user; decrypting at least a portion of the transaction code using the decryption key

(see paragraphs 0054).

13.     As per claim 9, Movalli teaches a method of determining the contents of a transaction

identification field within the transaction code; locating the contents of the transaction

identification field within a database accessible by the order processing system; identifying the

nature of the commercial transaction based upon information within the database associated with

the contents of the transaction identification field(see paragraphs 0046-0051).

14.     As per claim 10,  Movalli teaches a method of determining the contents of atransaction

identification field within the transaction code; identifying the nature of the commercial

transaction based upon information within the transaction identification field (see paragraphs

0046-0051)

15.     As per claim 11, Movalli teaches a method of locating a record within a database

associated with the order processing system based upon the identity of the user; retrieving details

of the commercial transaction from the database record associated with the user (see paragraphs

0046-0051).

16.     As per claim 12, Movalli teaches a method maintained within a point of sale computer

system operated by the vendor (see fig 1, 2).

17.     As per claim 13, Movalli teaches a method of entering the identified commercial

transaction into a point of sale computer system operated by the vendor (see fig 1).

18.      Claims 14-39 are in parallel with claims 1-13 and are rejected for at least the same reasons, since claims 14-39 disclose the same invention as claims 1-13 the examiner submits that a restriction is not proper at this time.

## *Response to Arguments*

19.      Applicant's arguments, with respect to the rejection(s) of claim(s) 1-39 have been fully considered and are persuasive. Therefore, the finality of the prior rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Teper et al. (US Patent 5,815,665).

## *Conclusion*

20.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. WINTER whose telephone number is (571)272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

21.      If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22.      Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMW

/ANDREW J. FISCHER/
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